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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 Hon. LOUISA PORTER

11 UNITED STATES OF AMERICA,)	Case No. 08CR0212JLS
)	Mag. No. 08MJ8417
12 Plaintiff,)	
)	DECLARATION OF COUNSEL
13 v.)	IN SUPPORT OF MOTION FOR
)	VIDEO DEPOSITION OF
14 BENNY LOPEZ,)	MATERIAL WITNESS
15 JUAN JOSE AGUIRRE-CRUZ)	
)	DATE: June 26, 2008
16 Defendants.)	TIME: 2:30 P. M.
)	DEPT: Porter

17 I, JONATHAN DAVID FRANK declare:

18 I am an attorney duly licensed to practice before all the courts
19 of this State and this District and Circuit. I am the attorney of
20 record for the material witnesses in the above action. I have
21 personal knowledge of the facts set forth in this action and could
22 testify competently thereto if called.

23 My clients, ISAIAS GUERRERO-MALDONADO, FRANCISCO SORIA-
24 OROZCO, MARCO HERNANDEZ-QUIROZ, PEDRO GAMBOA-OCANA and ARTURO
25 ANDRADE-PEREZ, in this action, have been in federal custody since May
26 12, 2008. They have been held as material witnesses in the above
27 captioned case. My clients have been unable to locate a surety to
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1 post bond.

2 This case was indicted on or about May 28, 2008.

3 My clients have indicated to me that each day they spend in
4 custody is a hardship to my clients and their families as they are
5 unable to help to support their families as set forth in their
6 declarations filed concurrently herewith.

7 The testimony of the witnesses could be secured via videotaped
8 deposition. This is a procedure in routine practice in this district
9 in material witness cases. At such a deposition, all parties would
10 be given the opportunity to fully and completely examine the witness.
11 In addition, the proceedings would be videotaped creating a visual
12 and auditory record of the proceeding. Such videotaped deposition
13 could be introduced at trial in stead of the live testimony of the
14 material witness.

15 Based on the above it respectfully requested that this motion be
16 granted, that said deposition take place at the earliest possible
17 time, and that my client be allowed to voluntarily return to his home
18 in Mexico immediately thereafter.

19 I declare under the penalty of perjury under the laws of the
20 United States of America that the foregoing is true and correct of my
21 own personal knowledge except as to those matters stated to be based
22 upon information and belief and, as to those matters, I am informed
23 and believe that they are true and correct. Executed this June 16,
24 2008 in Poway, California.

25 /s/_____
JONATHAN DAVID FRANK,
26 Attorney for Material Witnesses
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